

U.S. Patent Application  
Attorney Docket No.: MA3005-0031

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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**JUN 25 2005**

In re Patent Application of )  
 )  
 **Ryota SUGIMOTO** ) Group Art Unit: 3764  
 )  
 Application No.: 09/870,672 ) Examiner: Mathew, Fenn C.  
 )  
 Filed: June 1, 2001 ) Confirmation No.: 8651  
 )  
 For: IMPLANTABLE TUBULAR DEVICE )

**AMENDMENT TRANSMITTAL FORM WITH  
PETITION FOR EXTENSION OF TIME**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

1. Transmitted herewith is an Amendment responding to the Office Action dated January 25, 2005, the period for reply to which being extended to June 25, 2005 by a petition for two-month extension of time filed herewith.
2. Additional papers enclosed:

☐ Drawings: ☐ Formal ☐ Informal (Correction)  
☐ Information Disclosure Statement  
☐ Form PTO-1449, \_\_ reference included  
☐ Citations  
☐ Declaration of Biological Deposit  
☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

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3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☐ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

☒ Applicants petition for an extension of time, the fees for which are set out in 37 CFR § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input checked="" type="checkbox"/> two months	\$ 450.00	\$225.00
<input type="checkbox"/> three months	\$1,020.00	\$510.00
<input type="checkbox"/> four months	\$1,590.00	\$795.00

Extension of time fee due with this request: \$ 450.00. The Commissioner is hereby authorized to charge the \$450.00 fee due under 37 C.F.R. §§ 1.17(a) to Applicant's Representative's Charge Account indicated on the attached from PTO-2038.

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for \_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-2821. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

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5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims 37 C.F.R. §1.16(c)	<u>31</u>	minus <u>35</u> =	<u>0</u>	x \$18 each =	+ \$ 0.00
Independent Claims 37 C.F.R. §1.16(b)	<u>3</u>	minus <u>4</u> =	<u>0</u>	x \$86 each =	+ \$ 0.00
[ ] First presentation of Multiple dependent claim(s)				\$290.00	+ \$ 0.00
SUB-TOTAL =					\$ 0.00
Reduction by ½ for filing by a small entity					- \$ 0.00
TOTAL ADDITIONAL CLAIMS FEE =					\$ 0.00

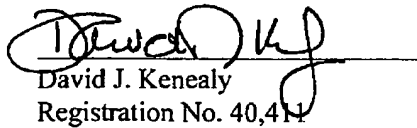
6. Fee Payment

- ☒ The Commissioner is hereby authorized to charge \$450 which represents the extension of time fee (\$450) to Applicant's Representative's Charge Account included on the attached Form PTO-2038.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 CFR §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-2821.

Respectfully submitted,

Cermak & Kenealy LLP

By:

  
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 Date: June 25, 2005